

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SIXTH DAY — THURSDAY, FEBRUARY 23, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 31).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Swinford; Talton; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Stiles; Telford.

Absent — Berlanga; Edwards; Hudson; Price; Torres.

The invocation was offered by Ron Durham, pastor, Columbus Avenue Baptist Church, Waco, as follows:

Our Father in Heaven, we thank you for this new day of life today. Your word says that, "This is the day that the Lord has made, let us rejoice and be glad in it."

Father, I pray that your wisdom will guide each of these representatives today in the important work that they have to do. Bless their families and loved ones at home.

We love you Lord and thank you for your unconditional love for us.

In your Son's name we pray. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Telford on motion of Uher.

The following member was granted leave of absence for today because of illness:

Stiles on motion of Hightower.

(Edwards, Price, and Torres now present)

MESSAGE FROM THE SENATE

Austin, Texas, February 23, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 9 by Munoz (Sponsor-Lucio), designating February 1995 as Public School Board Members Month in Texas.

HCR 63 by Sadler (Sponsor-Nixon, Drew), designating February 23, 1995, as Panola County Day.

SCR 63 by Ellis, congratulating the University of Houston-Downtown for two decades of service to Texas.

SCR 64 by Barrientos, in memory of Phillip Lafayette Bible, Jr.

SCR 66 by Rosson, declaring support of the El Paso region as the pilot site for the Intermodal Installation Program.

SB 452 by Rosson, relating to powers and duties of the Texas Ethics Commission, to powers and duties of persons acting under certain laws administered by the commission, and to the registration of persons who represent inmates for compensation.

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. P. J. Mock of La Porte as the "Doctor for the Day."

The house welcomed Dr. Mock and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

HCR 98

HR 253 - ADOPTED

Representative Black moved to suspend all necessary rules to take up and consider at this time **HR 253**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Black,

HR 253, Congratulating the Goldthwaite High School football team and designating February 23, 1995, as Goldthwaite Day.

The resolution was read and was adopted without objection.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 253** as signers thereof.

HR 252 - ADOPTED

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 252**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Elkins,

HR 252, Congratulating Brian Moore on attaining the rank of Eagle Scout.

The resolution was adopted without objection.

HCR 48 - ADOPTED

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HCR 48**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Chisum and Swinford,

HCR 48, In memory of Malouf Abraham, Sr.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Swinford, the names of all the members of the house were added to **HCR 48** as signers thereof.

HCR 49 - ADOPTED

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HCR 49**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Chisum and Swinford,

HCR 49, In memory of Guy Hazlett.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Swinford, the names of all the members of the house were added to **HCR 49** as signers thereof.

SCR 64 - ADOPTED
(Naishtat - House Sponsor)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **SCR 64**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 64, In memory of Phillip Lafayette Bible, Jr.

The resolution was unanimously adopted by a rising vote.

HR 240 - ADOPTED

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 240**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Delisi,

HR 240, Honoring the Ralph Wilson Public Trust for its support of the Christian Farms Treehouse project.

The resolution was adopted without objection.

HR 131 - ADOPTED

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 131**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak,

HR 131, Congratulating LaShun Evette Phillips and Dexter Dewayne Wesley on the occasion of their wedding.

The resolution was adopted without objection.

On motion of Representatives Dutton and Yarbrough, the names of all the members of the house were added to **HR 131** as signers thereof.

HR 147 - ADOPTED

Representative De La Garza moved to suspend all necessary rules to take up and consider at this time **HR 147**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By De La Garza,

HR 147, In memory of Manuel B. Garza, Jr.

The resolution was unanimously adopted by a rising vote.

HR 256 - ADOPTED

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 256**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Gallego,

HR 256, Designating February 23, 1995, Rotary Day in Texas.

The resolution was adopted without objection.

On motion of Representative Clemons, the names of all the members of the house were added to **HR 256** as signers thereof.

HR 259 - ADOPTED

Representative Van de Putte moved to suspend all necessary rules to take up and consider at this time **HR 259**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Van de Putte,

HR 259, Designating February 23, 1995, as Texas Pharmacy Day and honoring the Texas Pharmacy Practice Coalition.

The resolution was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, February 23, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 100 by Willis, granting the American Legion permission to use the house and senate chambers for its Boys State program June 9, 1995.

SCR 24 by Patterson, Jerry, et al., memorializing the Congress to propose an amendment to the United States Constitution exempting desecration of the American flag from protection by First Amendment.

Respectfully,
Betty King
Secretary of the Senate

SCR 24 - ADOPTED
(Krusee - House Sponsor)

Representative Krusee moved to suspend all necessary rules to take up and consider at this time **SCR 24**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 24, Memorializing Congress to propose an amendment to the United States Constitution exempting desecration of the American flag from protection by the First Amendment.

The resolution was read and was adopted without objection. (Danburg and Maxey recorded voting no.)

REASON FOR VOTES

Because **SCR 24** was brought before the House without the benefit of adequate public notice and hearings, and because I have grave concerns about any measure which would erode First Amendment freedom of speech rights, I wish to be shown voting no.

Maxey
Danburg

INTRODUCTION OF GUESTS

The speaker recognized Representative Krusee, who introduced veterans of the battle of Iwo Jima: Leonard Mills, Headquarters Company, 26th Marine Division; James McMenemy, 4th Marine Division, 14th Regiment; Ben DiClemente, 4th Marine Division, Pioneer Battalion; and the Dean of the House, the Honorable Doyle Willis, who also served on Iwo Jima.

Representative Krusee addressed the house briefly.

PROCLAMATION BY THE SPEAKER

WHEREAS, Section 16(b), Rule 1, of the Rules of the Texas House of Representatives for the 74th Legislature authorizes the speaker of the house to create select committees and to prescribe their jurisdiction, authority, and duties; and

WHEREAS, A variety of issues relating to national defense and military and veterans affairs continue to be the subject of study and proposals by the executive departments and Congress of the United States; and

WHEREAS, The number and size of military installations and related facilities located throughout Texas are important factors in the economies of many of our state's communities; and

WHEREAS, United States military and defense policies have an enormous impact on the state and directly affect the many military personnel and veterans for whom Texas is home; and

WHEREAS, The State of Texas has a long and proud history of concern for its military veterans and their families, and it is appropriate that the legislature devote special attention to matters affecting those who have sacrificed so much for their country;

NOW, THEREFORE, I, James E. "Pete" Laney, speaker of the Texas House of Representatives, acting under authority of Section 16(b), House Rule 1, do hereby establish the house Select Committee on Military and Veterans Affairs, subject to the following provisions:

(1) The composition of the committee shall be as identified in Attachment A;

(2) The committee shall study, and report to the house of representatives on issues relating to the impact on Texas of national military and defense policies and issues affecting Texas veterans that may be addressed by state law; and

(3) The committee shall have the same authority as that provided by the rules of the house of representatives for standing committees.

James E. "Pete" Laney, Speaker
Texas House of Representatives

SELECT COMMITTEE ON MILITARY AND VETERANS AFFAIRS

The following select committee on military and veterans affairs was announced: Willis, chair, B. Turner, vice-chair, Counts, R. Cuellar, Price, Walker, and Yarbrough.

INTRODUCTION OF GUESTS

The speaker recognized Representative Willis, who again presented the veterans of the battle of Iwo Jima, Leonard Mills, James McMenemy, and Ben DiClemente.

The veterans thanked the house for honoring their fallen comrades.

PROVIDING FOR ADJOURNMENT

Representative Kubiak moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, February 27.

The motion prevailed without objection.

CORRECTION IN REFERRAL

HB 81, relating to the private practice of law by a judge of a statutory county court of Hidalgo County, was inadvertently referred to the Committee on Judicial Affairs. The chair, pursuant to Rule 1, Section 4, of the House Rules, now corrects the referral of **HB 81** to the Committee on Civil Practices.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Pickett,

HB 1521, A bill to be entitled An Act relating to grants awarded to certain businesses under the smart jobs fund program.

To Committee on Economic Development.

By Talton,

HB 1522, A bill to be entitled An Act relating to agreements creating joint tenancies with rights of survivorship in real property.

To Committee on Civil Practices.

By Hawley,

HB 1523, A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 156th Judicial District.

To Committee on Judicial Affairs.

By Bailey,

HB 1524, A bill to be entitled An Act relating to prohibiting certain peace officers from performing duties in certain circumstances.

To Committee on Public Safety.

By Bailey,

HB 1525, A bill to be entitled An Act relating to civil service systems for constable's offices in certain counties.

To Committee on County Affairs.

By Zbranek,

HB 1526, A bill to be entitled An Act relating to indemnity provisions in certain agreements.

To Committee on Civil Practices.

By Uher,

HB 1527, A bill to be entitled An Act relating to designating speaker's day as a day to honor former members of the house of representatives.

To Committee on State Affairs.

By Eiland,

HB 1528, A bill to be entitled An Act relating to the waiver of exclusive jurisdiction by juvenile courts for certain delinquent children and the mandatory transfer of the jurisdiction for those children to the criminal courts.

To Committee on Juvenile Justice and Family Issues.

By Eiland,

HB 1529, A bill to be entitled An Act relating to examination requirements for certain reappointed firefighters or police officers.

To Committee on Urban Affairs.

By Eiland,

HB 1530, A bill to be entitled An Act relating to certain business practices used in the collection of copyright royalties, providing penalties.

To Committee on Business and Industry.

By Stiles,

HB 1531, A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the Hamshire Municipal Utility District and providing for the authorization of bonds and the levy of property taxes.

To Committee on Natural Resources.

By Counts,

HB 1532, A bill to be entitled An Act relating to the ad valorem taxation of implements of husbandry held by a dealer.

To Committee on Ways and Means.

By Greenberg,

HB 1533, A bill to be entitled An Act relating to procedures for granting parole to inmates serving sentences for certain sexual or sexually assaultive offenses.

To Committee on Criminal Jurisprudence.

By Nixon,

HB 1534, A bill to be entitled An Act relating to the punishment for the offense of burglary.

To Committee on Criminal Jurisprudence.

By Nixon,

HB 1535, A bill to be entitled An Act relating to the criminal jurisdiction of justice courts.

To Committee on Criminal Jurisprudence.

By R. Lewis, et al.,

HB 1536, A bill to be entitled An Act relating to the beneficial use of material dredged from the Gulf Intracoastal Waterway.

To Committee on Transportation.

By Craddick,

HB 1537, A bill to be entitled An Act relating to the calculation of the effective tax rate for taxing units.

To Committee on Ways and Means.

By Nixon,

HB 1538, A bill to be entitled An Act relating to the availability to law enforcement agencies of certain information relating to inmates in the institutional division of the Texas Department of Criminal Justice.

To Committee on Corrections.

By Thompson,

HB 1539, A bill to be entitled An Act relating to the admission of incapacitated persons to certain facilities for care and treatment.

To Committee on Civil Practices.

By Thompson,

HB 1540, A bill to be entitled An Act relating to bonds required of certain guardians.

To Committee on Civil Practices.

By Torres,

HB 1541, A bill to be entitled An Act relating to the prohibition of the sale or transfer of certain plumbing fixtures.

To Committee on Licensing and Administrative Procedures.

By Willis,

HB 1542, A bill to be entitled An Act relating to placement and replacement of evidence of registration of certain vehicles.

To Committee on Transportation.

By Marchant,

HB 1543, A bill to be entitled An Act relating to the regulation of banking and of entities under the jurisdiction of state banking regulatory officials; providing administrative and criminal penalties.

To Committee on Financial Institutions.

By Hilderbran,

HB 1544, A bill to be entitled An Act relating to the designation of a portion of United States Highway 290 as the Pearl Harbor Memorial Highway.

To Committee on Transportation.

By Swinford,

HB 1545, A bill to be entitled An Act relating to the hours of operation of certain agricultural vehicles towing more than one trailer.

To Committee on Transportation.

By Swinford,

HB 1546, A bill to be entitled An Act relating to jurisdiction and fines relating to overweight vehicles.

To Committee on Transportation.

By Swinford,

HB 1547, A bill to be entitled An Act relating to the vehicle weight tolerance allowance under a vehicle weight permit.

To Committee on Transportation.

By Swinford,

HB 1548, A bill to be entitled An Act relating to fines for overweight vehicles.

To Committee on Transportation.

By Coleman, Hightower, et al.,

HB 1549, A bill to be entitled An Act relating to the juvenile justice system, including the adjudication and disposition of children in need of supervision and children who engage in delinquent and criminal conduct; providing criminal penalties.

To Committee on Juvenile Justice and Family Issues.

By Horn,

HB 1550, A bill to be entitled An Act relating to the imposition and collection of sales tax from a staff leasing service company.

To Committee on Ways and Means.

By Greenberg,

HB 1551, A bill to be entitled An Act relating to judicial training in family violence, sexual assault, and child abuse issues.

To Committee on Judicial Affairs.

By H. Cuellar,

HB 1552, A bill to be entitled An Act relating to the assignment and docketing of certain cases by the district clerk of Webb County.

To Committee on Judicial Affairs.

By Park,

HB 1553, A bill to be entitled An Act relating to the fees and court costs assessed by a court for participation in a teen court program.

To Committee on Juvenile Justice and Family Issues.

By T. Hunter,

HB 1554, A bill to be entitled An Act relating to indemnification of certain government employees.

To Committee on Civil Practices.

By T. Hunter,

HB 1555, A bill to be entitled An Act relating to the indemnification of certain governmental employees.

To Committee on Civil Practices.

By T. Hunter,

HB 1556, A bill to be entitled An Act relating to the liability of certain government officials.

To Committee on Civil Practices.

By T. Hunter,

HB 1557, A bill to be entitled An Act relating to liability of certain governmental units and to the employees of those units.

To Committee on Civil Practices.

By T. Hunter,

HB 1558, A bill to be entitled An Act relating to the tort liability of governmental units.

To Committee on Civil Practices.

By S. Turner,

HB 1559, A bill to be entitled An Act relating to payment of member contributions to retirement systems for police officers in certain municipalities.

To Committee on Pensions and Investments.

By T. Hunter,

HB 1560, A bill to be entitled An Act relating to the change of name of Corpus Christi State University to Texas A&M University—Corpus Christi and to the mission and admission standards of the university.

To Committee on Higher Education.

By T. Hunter,

HB 1561, A bill to be entitled An Act relating to liability of a peace officer and a governmental unit employing the peace officer for certain damages resulting from pursuit by the officer.

To Committee on Civil Practices.

By Combs,

HB 1562, A bill to be entitled An Act relating to authorizing the owner of livestock to protect that livestock from certain dangerous animals.

To Committee on Agriculture and Livestock.

By Combs,

HB 1563, A bill to be entitled An Act relating to public school campus report cards.

To Committee on Public Education.

By Chisum, et al.,

HB 1564, A bill to be entitled An Act relating to the attorney general's review of bonds issued by political subdivisions of this state.

To Committee on Financial Institutions.

By T. Hunter, et al.,

HB 1565, A bill to be entitled An Act relating to sanctions for frivolous pleadings and motions.

To Committee on Civil Practices.

By Gray and Black,

HB 1566, A bill to be entitled An Act relating to the continuation and functions of the Equine Research Account Advisory Committee.

To Committee on Agriculture and Livestock.

By Gray,

HB 1567, A bill to be entitled An Act relating to the operation and implementation of the correctional managed health care plan.

To Committee on Corrections.

By Zbranek,

HB 1568, A bill to be entitled An Act relating to permitting requirements for hazardous waste injection wells in solution-mined salt dome caverns.

To Committee on Environmental Regulation.

By Averitt, Saunders, Kuempel, Pitts, Kubiak, et al.,

HB 1569, A bill to be entitled An Act relating to the Texas High-Speed Rail Authority.

To Committee on Transportation.

By Bosse,

HB 1570, A bill to be entitled An Act relating to workers' compensation insurance coverage for certain off-duty peace officers.

To Committee on Business and Industry.

RESOLUTIONS REFERRED TO COMMITTEE

The following resolutions were laid before the house and referred to committee:

By B. Hunter, Kubiak, and Johnson,

HCR 101, Commemorating the sesquicentennial of Texas statehood.

To Committee on Rules and Resolutions.

By Davila,

HCR 103, Recognizing the observance of Women's History Month.

To Committee on Rules and Resolutions.

By Park,

HR 245, Congratulating Steve and Delta Boyd on their 50th wedding anniversary.

To Committee on Rules and Resolutions.

By Averitt and Rusling,
HR 251, Designating April 4, 1995, as Waco Day.
To Committee on Rules and Resolutions.

By Munoz,
HR 254, Congratulating Timothy Mantle on attaining the rank of Eagle Scout.
To Committee on Rules and Resolutions.

By Delisi,
HR 255, Recognizing March 15, 1995, as Diabetes Day.
To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 46 to Committee on Corrections.
SB 47 to Committee on Public Safety.
SB 71 to Committee on Human Services.
SB 165 to Committee on Judicial Affairs.
SB 297 to Committee on Public Health.
SB 360 to Committee on State, Federal, and International Relations.
SB 414 to Committee on Licensing and Administrative Procedures.
SB 418 to Committee on Natural Resources.
SB 436 to Committee on Public Health.
SB 496 to Committee on County Affairs.
SB 509 to Committee on Human Services.

ADJOURNMENT

In accordance with a previous motion, the house, at 11:03 a.m., adjourned until 10 a.m. Monday, February 27.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Higher Education - **HB 666, HB 815, SB 181**

Judicial Affairs - **HB 673, HB 1242**

Land and Resource Management - **SCR 25, SCR 33**

State Affairs - **SB 319**

ENROLLED

February 22 - **HCR 98**

SENT TO THE GOVERNOR

February 22 - **HCR 61, HCR 72**